

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JASPER N. LONG

VS.

FAENAS TRANSPORT, LLC

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§

CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

DEFENDANT FAENAS TRANSPORT, LLC'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant FAENAS TRANSPORT, LLC files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiff, JASPER N. LONG, filed Plaintiff's Original Petition against Defendant FAENAS TRANSPORT, LLC on January 22, 2019, under Cause No. 37801, pending in the 1ST Judicial District Court, Jasper County, Texas. Citation upon the Defendant was issued on January 24, 2019.

2. Defendant, FAENAS TRANSPORT, LLC was served with Plaintiff's Original Petition by certified mail, returned receipt requested on March 30, 2019.

3. This original Notice of Removal is filed within thirty days of service upon Defendant FAENAS TRANSPORT, LLC, the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

4. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446 and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff

JASPER N. LONG is domiciled in Texas and is a citizen of that state. Defendant FAENAS TRANSPORT, LLC is a limited liability corporation doing business in West Valley City, Utah with its members residing in the state of Utah and therefore is a citizen of that state. Thus, there is diversity of citizenship between Plaintiff and Defendants.

5. Consistent with TEX. R. CIV. P. 47, Plaintiff seeks monetary relief over \$600,000 in his Original Petition. Plaintiff seeks to recover damages for property damage. Therefore, based on information and belief of Defendants herein, Plaintiff is seeking damages in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

6. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

7. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiff's suit and claim for damages arose from an incident that occurred on or about June 22, 2018 at 600 McQueen Street, Jasper, Texas.

8. Defendant FAENAS TRANSPORT, LLC will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND

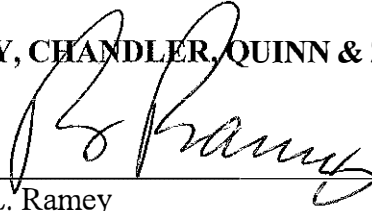
9. Defendant FAENAS TRANSPORT, LLC hereby makes a demand for a jury trial.

CONCLUSION

For these reasons, FAENAS TRANSPORT, LLC therefore gives notice of his removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.



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**ATTORNEYS FOR DEFENDANT,
FAENAS TRANSPORT, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Defendant's Notice of Removal* has been served upon all counsel of record, in accordance with the rules on this 24th day of April, 2019.

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